



Child Care and Education Committee – Administrative Rule Summary

Title/OAR #: Chapter 414, Division 180

Date: November 4, 2016

Staff/Office: Dawn Woods, Child Care Director, Kelli Walker, Child Care Policy Manager

☐ Temporary Rule

☐ New Rule

☒ Amend Existing Rule

☐ Repeal Rule

Hearing Date:

☐ Hearings Officer Report Attached

Prompted by: ☒ State law changes

☒ Federal law changes

☒ Other

Action Requested:

☐ Adoption of Temporary Rule

☒ Adoption of Final Rule

PROPOSED/AMENDED RULE RECOMMENDATION OPTIONS:

Adoption of Administrative Rules to set forth the Early Learning Division Office of Child Care's (OCC) procedures and requirements for the health and safety inspection of license-exempt child care facilities subject to and in accordance with federal and state laws governing child care providers accepting subsidies.

BACKGROUND:

The Child Care Development Block Grant Act of 2014 requires the Early Learning Division to begin annual health and safety inspections of license exempt Child Care providers who accept federal subsidies. Oregon Revised Statutes 329A.505 authorizes the OCC to conduct on-site inspections when such inspections are required under federal Law and authorizes the OCC to require improvements or corrections necessary to bring provider into compliance. The administrative rules establish conditions and standards for compliance.

The Child Care and Education Committee considered administrative rules for Regulated Subsidy child care Homes last summer. The Early Learning Council adopted rules in June 2016. CCEC is now asked to consider revisions to rule language so the rules are applicable to both home-based and center-based regulated subsidy child care. Additional specific language will be presented to address staff ratios and group size for centers.

To summarize, the administrative rules considered by the CCEC and subsequently adopted by the ELC in June included:

- ✓ Health and safety requirements:



- The prevention and control of infectious diseases (including immunization) and the establishment of a grace period that allows homeless children and children in foster care to receive services while their families are taking the necessary action to comply with immunization and other health and safety requirements.
 - Prevention of SIDS and use of safe sleeping practices.
 - The administration of medication, consistent with standards for parental consent.
 - The prevention of and response to emergencies due to food and allergic reactions.
 - Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.
 - Prevention of shaken baby syndrome and abusive head trauma.
 - Emergency preparedness and response planning for emergencies resulting from a natural disaster or a man-caused event (such as violence at a child care facility).
 - The handling and storage of hazardous materials and the appropriate disposal of bio contaminants.
 - Appropriate precautions in transporting children.
- ✓ Other health and safety requirements addressed in Department of Human Services administrative rules:
- First aid and cardiopulmonary resuscitation
 - Minimum health and safety training, to be completed pre-service or during an orientation period in addition to ongoing training that addresses each of the requirements described above in the health and safety section.
- ✓ Compliance with state and local health and safety requirements.
- ✓ Compliance with child abuse reporting requirements.
- ✓ Nutrition, access to physical activity to promote child development or to protect children's health and safety.

FISCAL IMPACT:

Child Care facilities who accept federal subsidies are currently subject to health and safety requirements and self-attest compliance. These rules clarify and specifies health and safety rules and provides information on inspections as required by federal law. Because providers are already subject to health and safety requirements, we anticipate minimal fiscal and economic impact.

